

REMARKS

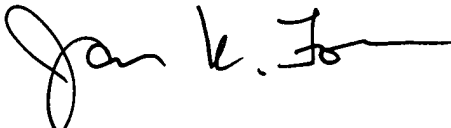
The Examiner has failed to make out a *prima facie* case that, if the claims of Species I-III were to be examined together, there would be a serious burden imposed upon the Examiner. See M.P.E.P § 803 (“If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.”).

To the contrary, it appears as though no serious burden exists because the same, or a very similar, search is believed to be required for a proper examination of all of the pending claims. The number of elements common to all three Species shows that this is the case. More specifically, the independent claims (Claims 11, 12 and 13) of all three Species include the following common, or at least similar, elements: (1) a reflecting layer; (2) a liquid crystal layer; (3) a retardation plate; (4) a polarizing plate; and (5) projections and depressions on the reflecting layer. Basically, the only differences between the three Species relates to: (a) the average tilt angle of the projections and the depressions, and (b) the ratio R_f/R_{lc} . Applicants respectfully submit that many of the classes and subclasses searched for a proper examination of any one of the three Species would be the same. Therefore, minimal, if any, additional searching is believed to be required if all of the claims of all three Species were examined together. Accordingly, Applicant respectfully submits that a search of all three Species (Claims 11-16) would most likely not pose a serious burden upon the Examiner, and accordingly, the Election of Species Requirement should be withdrawn.

For the above reasons, Applicants respectfully requests that the Election of Species Requirement be withdrawn and that Claims 11-16 be examined together.

Respectfully submitted,

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